

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 27, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 4-6, 12, and 16-31 are pending in the Application. Claims 4, 16 and 26 are independent claims.

In the Final Office Action, Claims 4-6, 12 and 16-31 are rejected under 35 U.S.C. §112, first paragraph, as allegedly including new matter. This rejection of claims 4-6, 12 and 16-31 under 35 U.S.C. §112, first paragraph is respectfully traversed. It is respectfully submitted that in contrast with the assertion contained in the Office Action, the specification of the present application provides support for the term "interaction point", such as on page 1, line 29 continuing to page 2, line 2.

However, in the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to clarify that which is recited in the claims. The amendment to the claims is not intended to narrow the scope of the prior claims and is merely submitted to further prosecution of this matter and to either promote allowance of the claims or at

least, reduce pending issues and place the claims into a better condition for appeal. Accordingly, consideration and entrance of the amendment to the claims is respectfully requested. It is respectfully submitted that claims 4-6, 12 and 16-31 are clearly supported by the application and it is respectfully requested that this rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

In the Final Office Action, claims 4-6, 12 and 16-31 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,331,972 to Harris ("Harris") in view of U.S. Patent No. 5,715,416 to Baker ("Baker"). These rejections are respectfully traversed. It is respectfully submitted that claims 4-6, 12 and 16-31 are allowable over Harris in view of Baker for at least the following reasons.

Neither Harris nor Baker, alone or in combination, include or suggest every limitation recited in Applicant's independent claims. Accordingly, it is respectfully submitted that the Final Office Action has failed to establish a prima facie obviousness rejection under 35 U.S.C. §103(a).

Applicant's independent claim 4 includes the limitation, "transmitting information based on the interaction from the host to the item including the information of the last user interaction, for storage at the item" and claims 16 and 26 have similar

recitations. Neither Harris nor Baker discloses storing the interaction status in their systems such that when operations are discontinued, the operations are enabled to be continued at the same point of interaction with the system, albeit at a future time, whether related to a service field, user interaction, or to identity information. Therefore, neither Harris nor Baker, alone or in combination, contains every limitation recited in independent claims 4, 16 and 26.

Further, even accepting the position forwarded in the Final Office Action in arguendo, that all of the independent claim limitations are disclosed in a combination of Harris and Baker, there is no suggestion contained within these references of any desirability to combine their teachings, which is one method for establishing a prima facie obviousness rejection under 35 U.S.C. §103(a).

It is respectfully submitted that the only use of icons disclosed in Harris is to indicate available commands and that a VCR command is selected (see, Harris, Col. 18, lines 43-49). There is no practical improvement that could be achieved in Harris by including the movable, animated, or user definable icons disclosed in Baker. Therefore, there is also no motivation or suggestion in

either reference to combine their teachings to achieve any kind of improvement related to Applicants' recited method.

Further, even assuming in arguendo, that all of the independent claim limitations are disclosed in a combination of Harris and Baker, there is no indication that one of ordinary skill in the art would have recognized that the results of the combination of Harris and Baker would be predictable, which is another way to properly establish a prima facie obviousness rejection under 35 U.S.C. §103(a).

Borrowing language from the MPEP, the Final Office Action contains a merely conclusory statement that "incorporating Baker's old and well-known teaching of user definable and animated icons ... into Harris' compatible and ready-for-improvement invention, would cause results predictable to one of ordinary skill in the art." However, it is respectfully submitted that neither reference, alone or in combination, indicates that one of ordinary skill in the art would have recognized that the results of their combined teachings would be predictable.

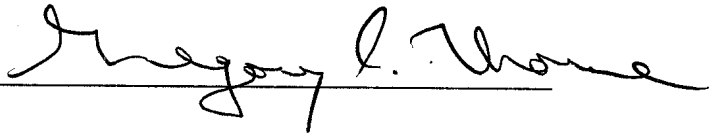
Based on the foregoing, the Applicants respectfully submit that independent claims 4, 16 and 26 are patentable over Harris and Baker and notice to this effect is earnestly solicited. Claims 5-

6, 12, and 17-31 respectively depend from one of claims 4, 16 and 26 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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